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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

LONNIE AND REBECCA RICE,) Case No.
)
Plaintiffs,) COMPLAINT FOR VIOLATION
) OF FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
)
CBS COLLECTIONS, INC. DBA)	
CBS FINANCIAL SERVICES AND)	
CAMPOS LAW, PLLC,)
)
<u>Defendants.</u>)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-I

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiffs, Lonnie and Rebecca Rice, are natural persons residing in the State of Idaho.

4. Plaintiffs are “consumers” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendants, CBS Collections, Inc. and Campos Law, PLLC, (“Defendants”) were companies engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiffs, as defined by 15 U.S.C. § 1692a(5).

6. Defendants are “debt collectors” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendants contacted Plaintiffs in an attempt to collect an alleged outstanding debt. Defendants’ conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- 1 a. Using false representations and deceptive practices in connection with
 2 collection of an alleged debt from Plaintiff, including Defendant
 3 Campos Law PLLCs representation that its client was entitled to take
 4 money from Plaintiff Lonnie Rices mothers bank account, the contents
 5 of which consisted entirely of exempt Social Security Income.
 6 Defendant CBS Collections, Inc. obtained a judgment against Plaintiffs
 7 pursuant to a lawsuit filed in 2007. On or about December 11, 2009,
 8 Defendant Campos Law PLLC executed a writ of garnishment on 5
 9 bank accounts pursuant to this judgment. Of the 5 accounts, 2 were
 10 accounts in which people other than Plaintiffs had an interest. One of
 11 the accounts was an account for whom the primary account holder is
 12 Plaintiff Lonnie Rices mother. This particular account contained 100%
 13 exempt Social Security income. Plaintiff Rebecca Rice discovered the
 14 garnishments on Friday, December 11, 2009, and called Defendant
 15 Campos Law PLLC on or about Monday, December 14, 2009, to
 16 discuss the garnishments and to attempt to convince Defendant to
 17 withdraw the garnishment of Lonnie Rices mothers account. During
 18 this phone call, Plaintiff spoke with Defendants representative Amy
 19 Kelsey. Plaintiff told Amy that she understood that garnishment of
 20 Plaintiffs own accounts was probably justified, but that she knew that
 21 Lonnie Rices mothers account should not be garnished, especially as it
 22 contained exempt income. Amy refused to acknowledge the possibility
 23 that the accounts funds were exempt, and stated: You can file a claim of
 24 exemption, but we have every right to take it. This an incorrect
 25 statement and also an unfair and unconscionable statement, because
 26 such statements tend to cause unrepresented consumers, who are already
 27 disadvantaged relative to more sophisticated collection attorneys, to
 28 give up and not seek to challenge an unlawful garnishment (§ 1692e(10)
 & § 1692f);
- b. Using false representations and deceptive practices in connection with
 collection of an alleged debt from Plaintiff, including Defendant
 Campos Law PLLCs false representations to the court at a hearing on
 Plaintiffs claims of exemption that Plaintiff had not provided any
 explanation of the exempt status of Plaintiff Lonnie Rices mothers bank
 account, where in fact Plaintiff had provided Defendant Campos Law
 PLLC with such explanation in a fax. In a hearing for Plaintiffs claims
 of exemption, on or about December 29, 2009, Defendant Campos Law

1 PLLC falsely represented that Plaintiffs had not provided any
2 explanation of the basis for the claim of exempt status of Lonnie Rices
3 mothers account. In fact, Plaintiff had provided Defendant an
4 explanation by fax, accompanied by the Claim of Exemption Form (§
1692e(10)).

5 8. Defendants' aforementioned activities, were conducted in a manner
6 highly offensive to a reasonable person. As a result of Defendants' behavior,
7 detailed above, Plaintiffs suffered and continues to suffer injury to Plaintiffs'
8 feelings, personal humiliation, embarrassment, mental anguish and emotional
9 distress.
10
11

12 **COUNT I: VIOLATION OF FAIR DEBT**
13 **COLLECTION PRACTICES ACT**
14

15 9. Plaintiffs reincorporates by reference all of the preceding paragraphs.
16

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs respectfully prays that judgment be entered
19 against the Defendants for the following:
20

- 21 A. Declaratory judgment that Defendants' conduct
22 violated the FDCPA;
23 B. Actual damages;
24 C. Statutory damages;
25 D. Costs and reasonable attorney's fees; and,
26 E. For such other and further relief as may be just and proper.
27

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

10. Plaintiffs reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully prays that judgment be entered
against the Defendants for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

Respectfully submitted this 25th day of March, 2010.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiffs